

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA
ERIE DIVISION

DEMETRIUS BROWN,)
Plaintiff,)
)
)
v.) C.A. No. 04-379 Erie
)
U.S. JUSTICE DEPT. et. al.,)
Defendants.)

PETITION TO AMEND SERVICE OF
PROCESS/SUMMONS UPON DEFENDANTS

COMES NOW, DEMETRIUS BROWN, herein as Plaintiff, proceeding Pro-Se, hereby petitions this Honorable Court, the United States District Court for the Western District of Pennsylvania, Erie Division to Amend Service of Process/Summons upon Defendants pursuant to Fed.R.Civ.P. Rule 4(a).

In support, Plaintiff affirms that on the face of the writ, it would be proper to allow amendment to service of process/summons upon Defendants. That, service of process/summons should be amended to reflect, particularly to, Medical Director as being **Dr. Newton E. Kendig**. That, the address to FCI McKean should reflect FCI McKean, P.O. Box 5000, **Bradford, PA. 16701**. That, the address to Warden John J. LaManna should reflect FCI McKean, P.O. Box 5000, **Bradford, PA. 16701**. That, the Civil Action No. should reflect 04-379**E.**

Further, Plaintiff affirms that on the facts, it would be proper to amend service of process/summons on the special instructions given to the Marshals to clarify abbreviations for the Court as being the **Western District of Pennsylvania**. That, amendment should add for service of process/summons **the original complaint, amended complaint, order of court, waiver of service form, and notice of lawsuit form**.

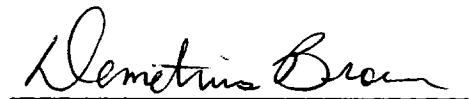
For this reason, the name, Medical Director is named in the original complaint. See **Exhibit A**. However, Dr. Newton E. Kendig whose title it is, is not so named. As such, it would be in the best interest of both parties to allow the name to attach to the title. Also, the address listed for FCI McKean and John J. LaManna is stated in the 2003 and 2004 edition of the Judicial Staff Directory as being Route 59, Big Shanty Road, P.O. Box 5000, Lewis Run, PA. 16738. See **Exhibit B**. However, Plaintiff has recently learned that a substitute address may be used in its place for administrative officials which in fact locates the defendants in the city of Bradford, PA. 16701 where the prison is found.

Further reasoning, because of the inadvertance on the part of Plaintiff in citing case number 1-04-cv-379E, failing to clarify abbreviations W.D.PA. as being for the Western District of Pennsylvania and for not including the original complaint, amended complaint, order of court, waiver of service form and notice of lawsuit form, is not of any material prejudice to defendants in that Plaintiff, however inartfully pleaded, stated in the USM-285 Forms enough

essential information upon defendant to notice them.

WHEREFORE, because material prejudice to the substantial rights of the parties whom process issued is clearly none existent and that the court has in its discretion to allow service of process to be amended under such terms as it deems just, Plaintiff request that amendment be GRANTED.

Respectfully submitted,


Demetrius Brown
Demetrius Brown
Reg. No. 21534-039
FCI RayBrook
P.O. Box 9001
RayBrook, NY. 12977

CERTIFICATE OF SERVICE

I, DEMETRIUS BROWN, hereby certify that the foregoing Petition to Amend Service of Process/Summons upon Defendants with Supporting Affidavit, and Order, bearing sufficient postage was given to prison authorities for inspection and deposit into internal mail system on the 6th day of October, 2005 and mailed to the following:

Clerk of Court
UNITED STATES DISTRICT COURT
for the Western District of Pennsylvania
Federal Building and U.S. Courthouse
17 S. Park Row
Erie, Pennsylvania 16501


Demetrius Brown
Demetrius Brown
Reg. No. 21534-039
FCI RayBrook
P.O. Box 9001
RayBrook, NY. 12977

October 6, 2005

Demetrius Brown
Reg. No. 21534-039
FCI RayBrook
P.O. Box 9001
RayBrook, NY. 12977

Clerk of Court
UNITED STATES DISTRICT COURT
for the Western District of Pennsylvania
Federal Building and U.S. Courthouse
17 S. Park Row
Erie, Pennsylvania 16501

Dear Clerk of Court:

Enclosed you will find an original copy of the undersigned Petition to Amend Service of Process/Summons upon Defendants with Affidavit in support and Order of Court. Please file with the Court.

Per Court Order, please also forward to the undersigned nine(9) separate Process Receipt and Return Forms (USM-285). Thank you.

Sincerely,



cc:file
db/db